

Message Text

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ORIGIN EUR-12

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CIAE-00 DODE-00 NSAE-00 ICAE-00 INRE-00 ACDA-12
AGRE-00 AID-05 CEA-01 CEQ-01 CG-00 COME-00
DLOS-09 DOTE-00 EB-08 EPA-01 SOE-02 DOE-15 FMC-01
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DRAFTED BY EUR/CAN:RJSMITH:JKB
APPROVED BY D - WCHRISTOPHER
L/OES:MEHOINKAS
L:MFELDMAN
S/S:SRPVALERGA
EUR:RDVINE
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O 130140Z SEP 78
FM SECSTATE WASHDC
TO AMEMBASSY OTTAWA IMMEDIATE

C O N F I D E N T I A L STATE 231339

E.O. 11652: GDS

TAGS: EFIS, CA

SUBJECT: FISHERIES AND BOUNDARIES NEGOTIATION AND
CANADA'S EXPANDED CLAIM IN THE GULF OF MAINE

REF: (1) ENDERS/CUTLER TELCON, 9/11/78; (2) OTTAWA 4430

1. WE AGREE THAT IT WOULD BE USEFUL FOR THE AMBASSADOR
TO CALL ON JAMIESON ASAP TO SEEK TO DISSUADE GOC FROM
EARLY PUBLICATION OF ITS EXPANDED CLAIM IN THE GULF OF
MAINE.

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2. THE AMBASSADOR SHOULD DRAW ON THE FOLLOWING POINTS:

-- IF GOC PUBLISHES ITS EXPANDED CLAIM, IT WILL FORCE US
PUBLICLY TO REJECT THE CLAIM, NOTING, INTER ALIA, THAT
CAPE COD, WHICH THE CLAIM DISCOUNTS, HAS MANY TIMES THE
ECONOMIC SIGNIFICANCE OF THE COMPARABLE PORTION OF THE

WESTERN PROJECTION OF NOVA SCOTIA.

-- THE USG HAS CONCLUDED THAT SHOULD CANADIANS ATTEMPT TO FISH WITHIN THE AREA OF THE EXPANDED CLAIM, WE WOULD HAVE NO CHOICE BUT TO ENFORCE AGAINST THEM.

-- SHOULD CANADA RESPOND TO US ENFORCEMENT, IN AN EXERCISE

OF JURISDICTION NOT RECOGNIZED BY THE USG, BY SEIZING US VESSELS, SECSTATE WOULD BE REQUIRED BY SECTION 205 OF FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976 (FCMA) TO CERTIFY THAT FACT TO THE SECRETARY OF THE TREASURY WHO WOULD THEN BE REQUIRED TO EMBARGO CANADIAN FISH PRODUCTS FROM THE FISHERY OR FISHERIES INVOLVED.

-- THUS, THE PUBLICATION FOLLOWED BY AN ATTEMPT TO FISH WITHIN THE AREA OF THE EXPANDED CLAIM COULD LEAD TO A CONFRONTATIONAL SITUATION WHICH IS CLEARLY NOT IN THE INTEREST OF EITHER COUNTRY. IT WOULD DAMAGE THE PROSPECTS FOR A RESOLUTION OF THE FISHERIES AND BOUNDARIES DISPUTE AND COULD HAVE UNPREDICTABLE AND POTENTIALLY SERIOUS IMPACTS ON THE BROADER RELATIONSHIP BETWEEN THE TWO COUNTRIES.

-- AFTER A PERIOD OF CONFRONTATION, THE LIKELY RESULT WOULD BE AN AGREEMENT TO ARBITRATE THE BOUNDARY AND THE CONFIDENTIAL

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SETTING UP OF AN INTERIM FISHING ARRANGEMENT ACCEPTABLE TO BOTH SIDES, TO LAST UNTIL BEYOND THE COMPLETION OF THE ARBITRATION. TO AVOID POTENTIAL CONFRONTATION AND EXACERBATION OF DIFFERENCES THE UNITED STATES IS PREPARED TO MOVE TO THAT RESULT DIRECTLY.

-- WE WOULD ALSO BE PREPARED IMMEDIATELY TO STRENGTHEN, ALONG LINES CANADA HAS INDICATED WOULD BE HELPFUL IN HANKEY-HOINKES CONVERSATIO' IN OTTAWA, OUR NOTE OF J'LY 25, 1978, REGARDING NON-PREJUDICIAL EFFECT OF ACTIONS AS WELL AS FORBEARANCE FROM ACTIONS.

3. IN DISCUSSING THE IMPLICATIONS OF EARLY CANADIAN PUBLICATION OF THE EXPANDED CLAIM AND A SUBSEQUENT ATTEMPT TO FISH IT, WE SHOULD STRESS OUR MUTUAL INTEREST IN PREFERRING THE NON-CONFRONTATIONAL APPROACH THAT WE ARE OFFERING, WHICH WOULD LEAD US TO THE SAME SUBSTANTIVE RES;LT.

4. PLEASE TAKE NO ACTION ON THESE INSTRUCTIONS UNTIL THEY ARE CONFIRMED BY TELEPHONE WEDNESDAY MORNING, 9/13.

CHRISTOPHER

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Message Attributes

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